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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**
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11 TARRELL M. SMITH,
12 Petitioner,

13 vs.

14 BRIAN E. WILLIAMS, et al.,
15 Respondents.
16 _____

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) 2:11-cv-00820-KJD-PAL
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ORDER REGARDING FILING FEE

17 Petitioner has submitted a habeas corpus petition pursuant to 28 U.S.C. § 2254 and a
18 motion for counsel, but has neither paid the required filing fee nor filed an appropriate motion for leave
19 to proceed *in forma pauperis*. The petition cannot be filed without either payment of the required filing
20 fee or a grant of leave to proceed *in forma pauperis* based on a fully complete motion. Petitioner shall
21 be sent the correct pauper form for use should he wish to file a motion for leave to proceed *in forma*
22 *pauperis* in this action. Accordingly, Petitioner shall be given leave to proceed *in forma pauperis* on
23 a temporary basis.

24 **IT IS THEREFORE ORDERED** that the Clerk shall send to petitioner a set of forms
25 for a motion to proceed *in forma pauperis*. Petitioner shall have thirty (30) days from the date of the
26 entry of this order within which to either pay the required filing fee, or file a fully and properly

1 completed motion for leave to proceed *in forma pauperis*. The failure to timely do so will result in the
2 dismissal of this action.

3 DATED: May 20, 2011



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5 UNITED STATES DISTRICT JUDGE
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